

Judicial (1895) Department.

ORDINARY MS.

G.O., No. ////

Dated 23rd May 1895

INDEXED.

[Despatch Abstract.]

PETITION.

Endorsing paragraph IV of Petition rules C. on---submitted by M.R.RY. P.S.Sivasami Aiyar, High Court Wakil, on behalf of Koothur Subbarayar, Mirassidar, Tanjore Taluk, for the restoration of the petitioner's properties attached under section 88, Criminal Procedure Code, by the Joint Magistrate of Kumbakonam and the past profits thereof realized by Government and held in deposit in the Tanjore Taluk cutcherry.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	910		4				
	910/11		3-5-95				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
96	1180		95				
C	2805		95				
C	2828		95				

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2,000-23-1-95.

Current No. 2507

Judicial DEPARTMENT.

852/93 de

From *lady P. Sivaramany Aiyar*

High court Vakil, Madras,

Vakil for petitioner Koothur

Subbarayan, a misadar of
Koothur Village, Tanjore Taluk,
Tanjore Dt.

No. -

Dated 13th }
Received 17th } May 1895
18th }

Enclosures 2.

80-910-11 3-5-95 no

80 1235/94 no

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under 23 May 1895, No. 1111.

IV
Para IV of the rules

(C) 21.5

20/5/95

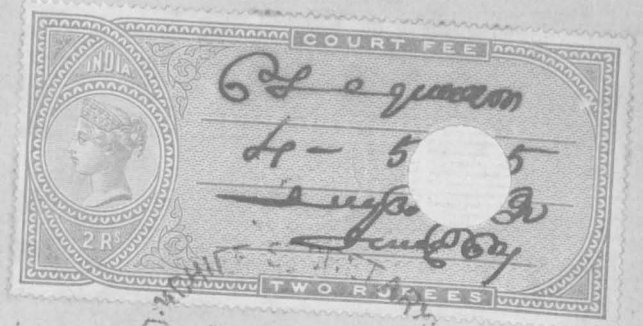
SUBJECT.

Submitting a petition on behalf
of the petitioner praying for the
restoration of the petitioner's properties,
attached under Sec: 88 of the C. P. C.
by the joint maple of Kumbhakonam,
with the cash profits realized by
the Govt & held in deposit in the
Tanjore Taluk Cutcherry.

R 20/5

20/5/95
To Mr. R. N. P. S. Sivaswamy Aiyar
Tanjore hole
Para IV of the rules does not apply
as the property is at the disposal of Govt
& the pet. merely asks its restoration.
Para IV of the rules does apply.

21.5



17 MAY 1895

I Koothur Subba Rao residing
in Koothur in the Tanjore Taluk Tanjore
District do hereby appoint and retain
Mr. P. G. Sivaramay aiyer as my
Vakil to present a petition to the
Government of Madras on my behalf
for the restoration of my property
which has been declared to be at the
disposal of Government by an order
of the District Judge of Tanjore
in Criminal Appeal No 93 of 1894, modi-
fying the order of the Subdivisional
Magistrate of Kumbakonam in Register
Case 6 of 1893.

Sivaramay aiyer

சென்னை அரசாங்கத்திற்கு
தஞ்சாவூர் தாலுகா கும்பகோணம்
மாவட்டம் கும்பகோணம்
கூதூர் சுப்பா ராவ்
எனது சொத்து
மீட்டர்
பெற்று
1895 மே 17

To

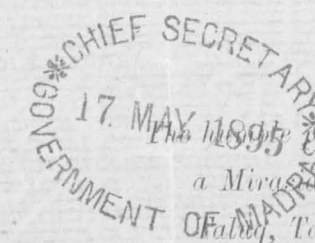
HIS EXCELLENCY THE RIGHT HON'BLE

Beilby Baron Wenlock, G. C. I. E.,

GOVERNOR IN COUNCIL,

Fort Saint George,

MADRAS.



Petition of Koothur Subbarayer,
a Mirasdar of Koothoor Village, Tanjore
Taluk, Tanjore District.

RESPECTFULLY SHEWETH,

1. That your Excellency's petitioner was a Mirasidar of considerable wealth and position and a Village Magistrate in Koothoor Village in the Tanjore Taluq.

2. That on or about the 10th or 11th December 1893, the petitioner's moveable and immoveable properties including 146 acres of land in Koothoor, 20 acres in Budalur and 4 houses, a bungalow, a cattle-shed and two vacant house-sites in Koothoor were attached under Section 88 of the Criminal Procedure Code by the Joint Magistrate of Kumbhakonam in the belief that the petitioner had absconded to evade service of a warrant issued against him under Sections 466 and 380 of the Indian Penal Code in connection with the Tanjore Judgment Forgery case.

3. The petitioner surrendered himself to the Joint Magistrate on the 25th of June 1894 and a notice was issued to the petitioner to show cause why the property which had been attached should be restored to him.

4. After hearing the petitioner and examining some of his witnesses, the Joint Magistrate passed an order on the 19th of October 1894, declining to restore the property to the petitioner and ordering the property to be sold and the sale-proceeds to be credited to Government.

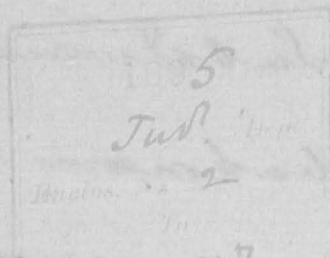
5. The petitioner then appealed to the Sessions Judge of Tanjore and his appeal (Criminal Appeal No. 93 of 1894) was disposed of on the 22nd of December 1894, the Sessions Judge holding that the order of the Joint Magistrate should be maintained in so far as it refused to restore the property to the petitioner, but should be modified in so far as it directed a sale by declaring the property to be at the disposal of Government.

Accepted

M. Sivabaram
sign

Petitioner's Vakil

13-5-95



6. The petitioner humbly submits that the Joint Magistrate and the Sessions Judge were not right in coming to the conclusion that the petitioner had absconded to evade service of the warrant as will appear from the following facts.

7. The warrant was issued on the night of the 14th October 1893 and was taken to the petitioner's village on the 15th instant. The petitioner had applied for 3 months' leave on private affairs on the 13th of September 1893 long before the issue of the warrant and ascertaining that his application had been recommended for sanction, the petitioner handed over charge of his office to a substitute one Seshappa Aiyar and left his village on the 29th of Purattasi, corresponding to the 13th or 14th October 1893 on a tour of pilgrimage. The petitioner first went to bathe in the Aganda Kaveri in the Trichinopoly District and thence proceeded to Benares and visited other sacred places in Northern India.

8. The petitioner's presence at Aganda Kaveri and at Benares has been clearly proved by his witnesses.

9. The petitioner has in this connection to complain of the refusal of the Joint Magistrate to examine the 5th, 6th, 12th and 13th witnesses named by the petitioner in his list of witnesses who would have proved the petitioner's presence at some of the places visited by him and the protracted illness which prevented him from returning home earlier than he did.

10. That the petitioner did not desire to conceal his movements with a view to evade service of the warrant, is proved by the fact that when he left his village he had no knowledge of any warrant, the fact that he sent in a report from Ayodhya to the Revenue Inspector on the 2nd of January 1894, applying for an extension of leave for 3 months and the fact that he again applied to him for further leave from Allahabad on the 8th of April 1894, and wrote also to the Tahsildar of Tanjore on the same day to sanction an extension of leave for 3 months.

11. The petitioner begs to submit that the fact that he surrendered himself after the conviction of the accused in the Tanjore Judgment Forgery case clearly acquits him of any intention to fly from justice. If that case had resulted in an acquittal and the petitioner had surrendered himself thereafter, there might have been some foundation for suspicion.

12. That the petitioner was innocent of all complicity in the Judgment Forgery case and that he had therefore nothing to be afraid of are established by the order of discharge passed by the Joint Magistrate of Kumbhakonam on the 1st of April 1895 in the inquiry held against the petitioner.

13. The fact of the petitioner's innocence as established by the said order and the fact of his surrender after the conviction of the accused in the forgery case conclusively show that the petitioner was not guilty of any such conduct as would justify the Court in refusing to restore his property.

14. The petitioner also submits that the orders of the Joint Magistrate and the Sessions Judge were contrary to law, inasmuch as the proclamation under

Section 87 of the Criminal Procedure Code requiring him to appear on the 11th of December 1893 was published in the petitioner's village only on the 15th of November 1893, and did not allow the 30 days required by that section.

15. The petitioner further submits that as he had surrendered himself on the 25th of June 1894, the Joint Magistrate was not justified in passing an order subsequently on the 7th of August 1894, that the property should be at the disposal of Government.

16. The petitioner trusts that having regard to the irregularities pointed out and the various circumstances set forth above, your Excellency will come to the conclusion that the order refusing to restore his property was not justified.

17. The petitioner therefore most humbly prays that your Excellency will be pleased to order the restoration of the petitioner's properties with the past profits realized by the Government and held in deposit in the Tanjore Taluq Cutcherry and that even in the event of your Excellency coming to an adverse decision on the merits of the case, your Excellency will be graciously pleased to mitigate the severity of the penalty and direct the restoration of his property at least to the petitioner.

For which act of charity and kindness the petitioner shall as in duty bound EVER PRAY.

The petitioner begs to remain,

Your most humble and

Obedient servant,

Shivaram Aiyar
High Court Vakil
Madras
13-5-95
Vakil for petitioner
-Tanjore

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When given for copying _____
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When signed _____

189.

READ AGAIN G.O., No. _____
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.

A = Copy in full.
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Q = Copy heading only.

CURRENT No. 2507
13-5-95
Mailapur
Madras

To
The Chief Secretary
to the Government
of Madras

Sir
I beg to inform you
enough to lay the
enclosed petition before
His Excellency the Governor
- now in General & only

I beg to remain
Sir
Your most obedt
servant
O. Sivasubramanian
High Court
Vatich.

CHIEF SECRETARY
17 MAY 1895
GOVERNMENT OF MADRAS

1895
Full
Inclos. 1
To
G. No. 2507